

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

TELENA MOSER, Personal Representative of  
the Estate of Terry L. Berry, JR., Deceased;

Plaintiff,

vs.

JOANN HELTON, ATHENA G BROWN,  
TODD R HAUSSLER, DUSTIN H  
GUSTAFSON, in their individual capacities;  
and JOHN/JANE DOES 1-2, employees of  
Tecumseh State Correctional Institution, in  
their individual capacities;

Defendants.

**8:18CV551**

**ORDER TO SHOW CAUSE**

Federal Rule of Civil Procedure 4(m) provides, “If a defendant is not served within 90 days after the complaint is filed, the court -- on motion or on its own after notice to the plaintiff - - must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.” Fed. R. Civ. P. 4(m).

Plaintiff sued two unnamed John or Jane Doe defendant-employees of Tecumseh State Correctional Institution in the Amended Complaint filed on March 20, 2019. (Filing No. 20). Because these defendants are still both unnamed and unserved, the Court will order Plaintiff to show cause, on or before August 13, 2020, why the unnamed defendants should not be dismissed, pursuant to Rule 4(m), for failure to serve process. Accordingly,

**IT IS ORDERED** that Plaintiff shall have until **August 13, 2020**, to show cause why the John and Jane Doe defendants should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) for failure to serve process. The failure to timely comply with this order will result in dismissal of the unnamed defendants without further notice.

Dated this 30<sup>th</sup> day of July, 2020.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge